



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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PLEADING CYCLE ESTABLISHED FOR SBC PETITIONS TO FORBEAR FROM ENFORCING, OR, ALTERNATIVELY, TO WAIVE THE COMMISSION'S FIVE-YEAR LNP COST RECOVERY RULE

CC Docket No. 95-116

COMMENTS: March 24, 2005
REPLY COMMENTS: April 8, 2005

On February 8, 2005, SBC Communications Inc. (SBC) filed two petitions seeking authorization to assess end-user charges for local number portability (LNP) beyond the five-year cost recovery period permitted under section 52.33(a)(1) of the Commission's rules.¹ In its first petition, SBC requests that the Commission exercise its authority pursuant to section 10 of the Communications Act of 1934, as amended,² to forbear from enforcing this rule.³ In its second petition, SBC requests that, as an alternative to forbearance, the Commission waive this rule.⁴

Interested parties may file comments on or before **March 24, 2005**, and reply comments on or before **April 8, 2005**. Filings in this proceeding should be captioned "In the Matter of Telephone Number Portability; Petition of SBC Communications Inc. for Forbearance Under 47 U.S.C. § 160(c) from the Application of the Five-Year Recovery Period for Local Number Portability Costs Under 47 C.F.R. § 52.33(a)(1); Petition of SBC Communications Inc. for Waiver of the Five-Year Recovery Period for Local Number Portability Costs Under 47 C.F.R. § 52.33(a)(1)," and filed in CC Docket No. 95-116. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵ Comments filed through the ECFS can be sent as an electronic file via the Internet to

¹ 47 C.F.R. § 52.33(a)(1).

² 47 U.S.C. § 160 *et seq.*

³ Petition of SBC Communications Inc. for Forbearance Under 47 U.S.C. § 160(c) from the Application of the Five-Year Recovery Period for Local Number Portability Costs Under 47 C.F.R. § 52.33(a)(1) at 1, CC Docket No. 95-116 (filed Feb. 8, 2005) (SBC Forbearance Petition).

⁴ Petition of SBC Communications Inc. for Waiver of the Five-Year Recovery Period for Local Number Portability Costs Under 47 C.F.R. § 52.33(a)(1), CC Docket No. 95-116 (filed Feb. 8, 2005) (SBC Waiver Petition). SBC seeks relief on behalf of its Ameritech, Pacific Bell, and Southwestern Bell companies in both petitions. *See* SBC Forbearance Petition at 1 n.1; SBC Waiver Petition at 1 n.2.

⁵ *See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

<http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case, **CC Docket No. 95-116**. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW, Washington, D.C. 20554. Parties are requested also to send a copy of their filings to Margaret Dailey and Marvin Sacks via email (margaret.dailey@fcc.gov, marvin.sacks@fcc.gov). Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in CC Docket No. 95-116 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not

⁶ 47 C.F.R. §§ 1.1200, 1.1206.

merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁷ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁸

For further information, contact Marvin Sacks of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

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⁷ 47 C.F.R. § 1.1206(b).

⁸ 47 C.F.R. § 1.1206(b).